

**Stevan E. Johnson**

Post Office Box 121  
Boston, Massachusetts 02117  
617.938.8164

December 22, 2007

**CERTIFIED U.S. MAIL, RETURN RECEIPT REQUESTED**

LABEL RECEIPT NUMBER: 7006 0810 0001 7201 1288

Epstein Becker & Green, P.C.

Attn: Barry A. Guryan

250 Park Avenue

New York, NY 10177-1211

Re: Johnson v. Continental Airlines Corporation  
U.S. District Court for Massachusetts  
Civil Action No.: 03-11992(PBS)

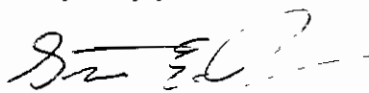
Dear Mr. Guryan,

On November 6, 2003 Continental Airlines, Inc. ("Continental") caused papers to be filed in the above referenced court action, *docket entry no. 5*, which includes a letter dated August 17, 2001 Continental's Senior Attorney at the time, Louis K. Obdyke, caused to be transmitted by wire from Continental's Corporate Headquarters at 1600 Smith Street in Houston, Texas to The Law Offices of James R. Davis, P.L.L.C., I believe falsely claims "human resources sent [me] written notice that [I] was being administratively terminated as a 'no-show, voluntary quit'."

Please ask Mr. Obdyke, "that corrupt lawyer," to produce that written notice from which he quotes in his August 17, 2001 wire transmission, because I have never received, or for that matter ever seen, such a written notice of termination.

Again, will you reconsider my previous request made by letter to you, dated August 8, 2007, sent via Certified U.S. Mail (Label Receipt Number 7005 1160 0000 1888 8258).

Very truly yours,



Stevan E. Johnson

Encl.:

Document No. 130,

Civil Action No.: 03-11992(PBS)

U.S. District Court for Massachusetts

*Exhibit A2*

**Law Offices of James R. Davis, PLLC**

Attorney at Law  
1447 Yale St.  
Houston, Texas 77008  
(713) 721-0500  
(713) 426-6010 FAX


August 20, 2001

Dear Mr. Johnson,

As per your discussion with Charles Johnson, Jr., on August 20, 2001, we are following up that conversation with this correspondence. Continental Airlines has terminated your services. We have enclosed a copy of the letter we received in our office for your review. It is obvious to me that Continental used your objection to the process as the basis for their decision to terminate you. Possibly they are attempting to make an example out of you.

On Monday morning I personally called Mr. Obdyke's office to remind him that you never ultimately refused to give up your bioimage. He was in Cleveland, Ohio when I called. He is to be there for two days. I expect to hear from him before you receive this letter. Please call me so we may discuss further strategy.

Sincerely,



James R. Davis, Atty.

*Exhibit A3*

Legal Department  
P.O. Box 4607  
Mail Code HQSLG  
Houston, Texas 77210-4607

**Continental  
Airlines**



1600 Smith Street, HQSLG  
Houston, Texas 77002

**Sender:** LOUIS K. OBDYKE

**Date:** *Aug 17* 2001

**Sender's Fax:** 713-324-5161

**Sender's Phone:** 713-324-2218

**Recipient:** *James R. Davis*

**Fax No.** *713 - 222 - 7421*

**Telephone No.** *713 - 721 - 0500*

**Total number of pages including this page:** *10*

If transmission is interrupted, please notify Audrey Richardson at (713) 324-5144. Thank you.

**Message:** *Original will not be sent.*

**CONFIDENTIALITY NOTICE:** The information contained in this facsimile transmission is intended only for the use of the addressee named above and may contain information that is privileged, confidential, or prohibited by law from disclosure. If you have received this transmission but are not the intended recipient, then you are hereby notified that any dissemination, distribution, or copying of this transmission is strictly prohibited. If you have received this transmission in error, please notify us immediately by telephone and return the original message to us at the above address via United States Postal Service.

IMANAGE 330031

NO. 7420 P. 1

Continental Legal Dept

AUG. 17. 2001 2:50PM

## Continental Airlines

*Exhibit A-4*



Continental Airlines, Inc.  
41st Floor, HQS/G  
1600 Smith Street  
Houston TX 77002

Tel 713 324 5000  
Fax 713 324 5161

August 17, 2001

VIA FACSIMILE – (713) 222-7421

James R. Davis, Esq.  
1447 Yale St.  
Houston, TX 77008

Re: Stevan Johnson

Dear Mr. Davis:

As indicated in prior correspondence from me to you, and from Mr. Johnson's supervisor and HR manager to him, Mr. Stevan Johnson was suspended for refusing to provide a biometric finger image necessary for his activation of Continental's new time and attendance system. Continental representatives then advised Mr. Johnson that he was placed on an unpaid personal leave with a time limit of 10 days in which to advise his supervisor and HR as to whether he would submit to the required biometric imaging. Mr. Johnson was provided information on the biometric imaging system on or about June 6, 2001 with a reminder that he must decide whether he would comply with the new time and attendance program, and must report his decision to human resources. When human resources did not hear from Mr. Johnson, a follow-up letter was sent from the Senior Manager of Human Resources for IAH with a deadline for submitting his biometric image on or before July 15, 2001.

While you were apparently on vacation, an attorney by the name of Charles Johnson called the human resource manager involved in this matter. On July 20, 2001, I responded to Mr. Charles Johnson's call explaining the new biometric time and attendance system, and the long since past deadline for Mr. Stevan Johnson. Mr. Charles Johnson indicated that "his client" would be in to submit to the imaging process if given the opportunity. Mr. Stevan Johnson did not show up although I had extended the time through Monday, July 23, 2001. I called Mr. Charles Johnson on July 26, 2001 to advise that Stevan Johnson had apparently decided not to accept my offer because he had not shown up. Since Stevan Johnson had not shown up as promised by his lawyer, human resources sent him written notice that he was being administratively terminated as a "no-show, voluntary quit."

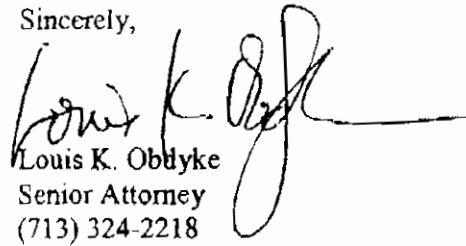
Exhibit A5

James R. Davis Letter  
August 17, 2001  
Page 2

Mr. Stevan Johnson has been removed from the employment rolls of Continental Airlines, and will be receiving a COBRA notice in the mail, if he has not already received it

The biometric imaging information you requested is enclosed herewith.

Sincerely,

  
Louis K. Obdyke  
Senior Attorney  
(713) 324-2218

Enclosures

**REQUEST FOR APPEAL FORM**

Exhibit A 6

\* Step 1 \_\_\_\_\_

\* Step 2 X

\* Step 3 \_\_\_\_\_

Step 1: Employee must submit form to G.M., Director, A.D. or their Assistant. and to their Human Resource Dept.  
 Step 2 or Step 3: Employee must submit form to their Human Resource Department.

**This request must be fully completed. Incomplete requests will be returned to the employee.**

Please print all information:

Full Name: Steven Erik Johnson Employee Number: 77559

Station: IAH Work Area: ITOPS Hire Date: 6-8-94

Home Phone: (713) 320 6979 Alternate contact number: (847) 331 6653

Physical Mailing Address: 1100 Langwick Dr. Apt # 502  
 (no P.O. Boxes) Houston, TX 77060

E-mail address for correspondence regarding appeal: N/A

Disciplinary Action Taken: Administrative Termination (type of letter or termination)

Action Taken by: Louis K. OBDYKE on: August 17, 2001  
 (name of leadership) (date)

Specify how company policy was applied inappropriately or why you believe the action was inappropriate:

There is no company policy on the biometric system  
that states an employee will be terminated if they don't image (finger)

What Solution/Resolution do you desire: Immediate return to work using  
alternate method, or transfer (temporary) until agreement is made.

Reinstatement X No Loss of Seniority X Back Pay X Removal of Letter \_\_\_\_\_

I request: Lenore Chambers to assist me at the appeal. (It is the responsibility of the employee to inform his/her EIT Rep. of the date, time and location of the appeal when scheduled).

[Signature] Date: 8/21/01  
 (employee signature)

REQUEST RECEIVED BY: T.C. [Signature] DATE/TIME: 8-25-01 16:43

(please copy your HR department on all appeal documentation)

Leave 2 copies to T.C. Helton at 8/25/01 at 4:40 pm  
one for himself the other for Nick Petrow



Exhibit A7

Attachment 1

**REQUEST FOR APPEAL FORM**\* Step 1 \_\_\_\_\_ \* Step 2 X \* Step 3 \_\_\_\_\_

Step 1: Employee must submit form to G.M., Director, A.D. or their Assistant. and to their Human Resource Dept.  
 Step 2 or Step 3: Employee must submit form to their Human Resource Department.

**This request must be fully completed. Incomplete requests will be returned to the employee.**

Please print all information:

Full Name: Steven E. Johnson Employee Number: 77554

Station: IAH Work Area: IAH Hire Date: 6-3-94

Home Phone: (113) 321 6479 Alternate contact number: (5417) 331 6653

Physical Mailing Address: 1100 Langhorne Dr. Apt # 502  
 (no P.O. Boxes) Houston, TX 77066

E-mail address for correspondence regarding appeal: N/A

Disciplinary Action Taken: Administrative Termination (type of letter or termination)

Action Taken by: Louis K. CRDVKE on: August 17, 2001  
 (name of leadership) (date)

Specify how company policy was applied inappropriately or why you believe the action was inappropriate:

There is no company policy on the biometric system (finger)  
that states an employee will be terminated if they don't image

What Solution/Resolution do you desire: Immediate action to work using  
alternate method, or terminate (temporarily) until representation is made.

Reinstatement X No Loss of Seniority X Back Pay X Removal of Letter \_\_\_\_\_

I request: Louis Chambers to assist me at the appeal. (It is the responsibility of the employee to inform his/her EIT Rep. of the date, time and location of the appeal when scheduled).

Steven E. Johnson Date: 5/21/01  
 (employee signature)

REQUEST RECEIVED BY: \_\_\_\_\_ DATE/TIME: \_\_\_\_\_

(please copy your HR department on all appeal documentation)

Exhibit A8

September 3, 2001

Mr. Stevan Erik Johnson  
1100 Langwick Dr. #1905  
Houston, Texas 77060

Dear Mr. Johnson:

Our department is in receipt of your request for first level appeal of your recent administrative discharge. I regret to inform you that appeals are available only in cases of disciplinary action or inappropriate application of policy. Your administrative discharge followed your voluntary decision not to utilize Continental's time and attendance system and thereby to abandon your job.

We made numerous attempts to resolve this issue; you were informed repeatedly that you could return to work immediately upon agreement to utilize Continental's time and attendance system. Regrettably, though we held your position open for more than 45 days, you ultimately chose not to return to work.

Mr. Johnson, I regret that we were unable to reach a different resolution to this matter.

Sincerely,

Katherine J. Churchill  
Sr. Manager Human Resources

cc: (Lou Obdyke)

Page 50, Rocket Entry No. 8  
Filed 6-14-04



Continental

Exhibit A9



September 5, 2001

Mr. Stevan Erik Johnson  
1100 Langwick Dr. #502  
Houston, Texas 77060

Dear Mr. Johnson:

Our department is in receipt of your request for appeal of your recent administrative discharge. I regret to inform you that appeals are available only in cases of disciplinary action or inappropriate application of policy. Your administrative discharge followed your voluntary decision not to utilize Continental's time and attendance system and thereby to abandon your job.

We made numerous attempts to resolve this issue; you were informed repeatedly that you could return to work immediately upon agreement to utilize Continental's time and attendance system. Regrettably, though we held your position open for more than 50 days, you ultimately chose not to return to work.

Mr. Johnson, I regret that we were unable to reach a different resolution to this matter.

Sincerely,

A handwritten signature in cursive script, reading "Katherine Churchill", is positioned above the typed name.

Katherine J. Churchill  
Sr. Manager Human Resources

cc:

Lou Obdyke

**Continental  
Airlines**

Exhibit A10



Continental Airlines, Inc. Tel 713 324 5000  
41st Floor HQSLG Fox 713 324 5161  
1600 Smith Street  
Houston TX 77002

June 18, 2002

Stevan E. Johnson  
1421 N. Dunton Ave.  
Arlington Heights, IL 60004

Re: Document Request

Dear Mr. Johnson:

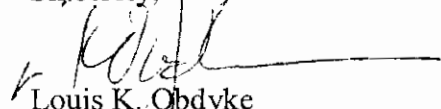
First, if you have an attorney, I am bound, as Continental's attorney, to deal only with your attorney. With this caveat in mind, and since you addressed me directly, I will respond to your letter addressed to me dated June 17, 2002. In response, you have been provided all documents contained in your personnel file (as you admit receiving on November 1, 2001), and have therefore received every document for which you have any claim or legal entitlement.

Your claim that Ms. Churchill or any other Continental employee, including me, is "deliberately delaying" your "simple request," or is engaging in any form of "shenanigans" is totally unfounded and objectionable. Your continued acts of contacting and harassing Continental employees is also objectionable, and demand is hereby made to cease all such activities.

As you are fully aware, the events leading to your discharge were your own doing. You were placed on leave as a courtesy (rather than being immediately discharged) when you refused to provide the biometric image necessary for the new time and attendance program being instituted at IAH. Though the company held your position open for more than 50 days your ultimate refusal to provide the biometric image and lack of contact was viewed as a determination on your part to have voluntarily resigned.

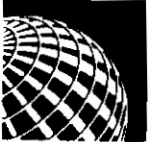
Again, demand is made on behalf of Continental that you cease contacting and/or harassing Continental employees. Should you have reason to contact Continental, such contact should be made through my office.

Sincerely,

  
Louis K. Obdyke  
Senior Attorney  
(713) 324-2218

**Continental**

*Exhibit 11*



Continental Airlines, Inc.  
Post Office Box 60307  
Houston TX 77205

June 6, 2001

Mr. Stevan Erik Johnson  
1100 Langwick Dr. #1905  
Houston, Texas 77060

Dear Mr. Johnson:

Thank you for speaking with me today. As promised, this letter is to re-cap our discussion.

Your request for first level appeal was received in our office for review. I regret to inform you that an appeal is not appropriate in this situation. Appeals are available only in those cases where inappropriate application of policy has occurred or disciplinary action taken. In your case, the unpaid leave that you began on June 1, 2001 was necessitated by your refusal to take the actions necessary to utilize the time clocks at IAH Terminal Operations. Specifically, your refusal to utilize the biometric time clocks which are a required component of punching in.

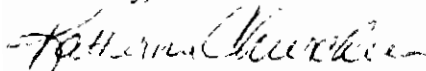
As we discussed on the phone, an appeal board cannot change **Continental's** requirement for use of the biometric clocks, nor can they change **your** mind about utilizing the biometric time clock. Further, as we discussed, at any point through this process, you've been invited to come provide the biometric image and return immediately to work. During our conversation, you indicated to me that both Nick Petrov and Bob White had made this option very clear.

During our conversation, you expressed concerns about the security of the biometric image. The information I provided to you over the phone is included in the attached information. I've also attached other general information. I hope that this will help to allay your concerns. Let me reiterate to you my offer to schedule a conversation between you and Andy Zamborsky. Andy is the technology manager responsible for the *eTA* project and would also be able to provide "expert" answers to your questions.

Mr. Johnson, it's my hope that you will reconsider your decision. If you do, please contact us immediately and your return to work will be expedited. If you do not change your decision, we would request that you provide your final decision to us in writing within 10 days of receipt of this letter. Lacking that written decision, we will assume that your decision is final and take the appropriate resulting measures.

Again, thank you for speaking with me. If I can provide any additional information to help with your decision, please contact me at (281) 553-8435.

Sincerely,

  
Katherine J. Churchill  
Sr. Manager Human Resources

cc: Ryan Price – Managing Director Human Resources  
Mark Erwin – Sr. Vice President Field Service

Attachments: *eTA* Q&A  
*eTA* Airport Services Division presentation  
*eTA* Fact Sheet

**Continental**

Exhibit A, 12



Continental Airlines  
Post Office Box 60367  
Houston, TX 77205

July 10, 2001

Mr. Stevan Erik Johnson  
1100 Langwick Dr. #502  
Houston, TX 77060

Dear Mr. Johnson:

This letter is a follow-up to my June 6, 2001 letter. In that letter, I provided you with additional information regarding Continental's biometric clocks and our time and attendance system. Additionally, I advised you that if you needed further information to finalize your decision regarding provision of the biometric image that you should contact me. Finally, I requested that you provide your decision in writing within 10 days of receipt of my letter. To date, I have not received that written decision.

Mr. Johnson, regrettably, we cannot continue to hold your position any longer. Because you have failed to advise us of your decision, we are left to assume that your decision is final and that you've chosen to resign your position at Continental Airlines. Accordingly, we intend to process your resignation effective July 20, 2001.

If, however, you have reviewed the information that I had previously forwarded and have determined to utilize the time and attendance system required for Field Services employees, you must report and submit your biometric image no later than Noon, on July 20, 2001. Failure to do so will result in processing of your voluntary resignation.

Again, should you have questions, you may contact me at (281) 553-8435.

Sincerely,

A handwritten signature in black ink, which appears to read "K. Churchill". The signature is written in a cursive, flowing style.

Katherine J. Churchill  
Sr. Manager Human Resources IAH

cc: Ryan Price -- Managing Director Human Resources  
Mark Erwin -- Sr. Vice President Field Services